

MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON
June 5, 2007
7:30 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on June 5, 2007, at 7:30 p.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Jones, Huffman, Starling and Wall

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

INVOCATION: Councilmember Don Starling

RECOGNITIONS:

- Caboose - Ann Hobgood
- Williams High School Athletics - Kyle Hayes

REPORTS:

- Burlington Royals - Steve Brice

MINUTES

Mayor Ross called for approval of the City Council budget work session minutes of May 14, 2007, and the City Council meeting minutes of May 15, 2007.

Upon motion by Councilmember Starling, seconded by Councilmember Wall, it was resolved unanimously to approve the minutes of the meeting held on May 14, 2007, and May 15, 2007.

ADOPTION OF AGENDA

Upon motion by Councilmember Jones, seconded by Councilmember Huffman, it was resolved unanimously to adopt the agenda.

CONSENT AGENDA:

1. (A) To declare K-9 Kojack and K-9 Wesson as surplus property and to approve the sale of Kojack and Wesson.
- (B) To set a date of public hearing for June 19, 2007, to consider the adoption of a Stormwater Ordinance in accordance with General Statutes 160A-31.
- (C) To adopt a resolution of intent setting the date of public hearing for July 17, 2007, to consider closing a portion of St. Mark's Church Road.

07-11

RESOLUTION OF INTENT BY THE CITY COUNCIL OF THE CITY OF BURLINGTON PURSUANT TO N.C.G.S. § 160A-299 TO PERMANENTLY CLOSE A PORTION OF ST. MARK'S CHURCH ROAD

WHEREAS, the City Council of the City of Burlington has recently received a request to permanently close a portion of St. Mark's Church Road; and,

WHEREAS, the City Council of the City of Burlington hereby declares its intent to permanently close a portion of St. Mark's Church Road, and hearing on the matter is to be held on July 17, 2007, at 7:30 pm in the Council Chamber, Municipal Building.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington pursuant to N.C.G.S. § 160A-299 does hereby declare its intent to permanently close a portion of

St. Mark's Church Road and more particularly described as follows:

All that tract, piece or parcel of land lying and being situated in the Township of Boone Station, Alamance County, North Carolina, adjoining Alamance Crossing, LLC lots and the Interstate 40/85 and being more particularly described as follows:

FIRST TRACT:

A CERTAIN TRACT or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining Boone Station Drive, Lots 3 and 5 of Plat Book 71 at Page 102 of the Alamance County Registry and Glidewell Drive and being more particularly described as follows:

BEGINNING at a point in the northern margin of Glidewell Drive in the line of Lot 16 or Out Parcel #3 as shown in Plat Book 71 at Page 102 of the Alamance County Registry (which point is located North 05° 01' 11" West 59.59 feet from a point labeled "Tie," which point is located North 05° 01' 11" West 30.86 feet from a concrete monument in the northern margin of Ramp RPA-1 for I-40/85); thence with the northern margin of Glidewell Drive, North 62° 03' 55" West 72.53 feet to a point; thence North 05° 01' 11" West 41.68 feet to a point in the line of Lot 17 or Out Parcel #5 as shown in Plat Book 71 at Page 102; thence with the said lot North 05° 39' 47" West 380.24 feet to a point in the southern margin of Boone Station Drive as the same intersects with Java Lane; thence with the southern margin of Boone Station Drive, on a curve to the right, said curve having a radius of 25 feet, an arc distance of 22.65 feet, having a Delta of 51° 54' 25" and with the chord bearing being North 86 ° 56' 02" East, 21.88 feet; thence continuing with the Southern margin of Boone Station Drive, South 67° 06' 45" East 48.95 feet to a point in the line of Lot 16 or Out Parcel #3 as shown in Plat Book 71 at Page 102; thence with the said lot, South 05° 01' 11" East 437.69 feet to the point and place of Beginning and being approximately 27,190 square feet, or .62 of an acre, more or less, of the "Old St. Mark's Church Road Variable Width Public Right of Way" as shown on a plat prepared by MSS Land Consultants dated May 22, 2007 and designated "Right-Of-Way Abandonment A Portion of "Old" St. Mark's Church Road, Alamance County, NC"

The storm drainage easement as shown on the above-referenced plat shall remain.

SECOND TRACT:

A CERTAIN TRACT or parcel of land in Boone Station Township, Alamance County, North Carolina, adjoining Glidewell Drive, Ramp RPA-1 for I-40/85, Lots 4 and 6 of Plat Book 71 at Page 102 of the Alamance County Registry, and being more particularly described as follows:

BEGINNING at a point in the northern margin of Ramp RPA-1 for I-40/85 (which Beginning point is located South 23 ° 13' 13" West 3,185.82 feet from a NCGS Monument "Garden" with a location of North 846,733.779 feet and East 1,848,833.638 feet, NC Grid (NAD 83)); thence with the northern margin of Ramp RPA-1 on a curve to the left, the curve having a radius of 508.53 feet, an arc distance of 60.72 feet, with a Delta of 06 ° 50' 28" and a Chord bearing of North 83° 51' 01" West 60.68 feet to a point; thence North 05 ° 39' 47" West 58.13 feet to a point in the southern margin of Glidewell Drive; thence with the southern margin of Glidewell Drive, South 62° 03' 55" East 71.73 feet to a point in the line of Lot 18A (Out Parcel #4); thence South 05 ° 01' 11" East 30.86 feet to the point and place of Beginning, and being approximately 2,618 square feet, or .06 of an acre, more or less, of the "Old" St. Mark's Church Road Variable Width Public Right of Way" as shown on a plat prepared by MSS Land Consultants dated May 22, 2007 and designated "Right-Of-Way Abandonment A Portion of "Old" St. Marks's Church Road, Alamance County, NC"

That the City Clerk shall duly advertise that a public hearing will be held on this matter in the Council Chamber, Municipal Building, Burlington, North Carolina, on Tuesday, July 17, 2007, at 7:30 pm.

- (D) To adopt a resolution of intent setting the date of public hearing for July 17, 2007, to consider closing a portion of Morehead Street between Maple Avenue and South Fisher Street.

RESOLUTION OF INTENT BY THE CITY COUNCIL OF THE CITY OF
BURLINGTON PURSUANT TO N.C.G.S., SECTION 160A-299 TO
PERMANENTLY CLOSE A PORTION OF MOREHEAD STREET BETWEEN
MAPLE AVENUE TO SOUTH FISHER STREET

WHEREAS, the City Council of the City of Burlington has recently received a request to permanently close a portion of Morehead Street between Maple Avenue to South Fisher Street.

WHEREAS, the City Council of the City of Burlington hereby declares its intent to permanently close a portion of Morehead Street between Maple Avenue to South Fisher Street, and hearing on said matter is to be held on July 17, 2007, at 7:30 p.m. in the Council Chamber, Municipal Building.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Burlington pursuant to N.C.G.S., Section 160A-299 does hereby declare its intent to permanently close a portion of Morehead Street between Maple Avenue to South Fisher Street and more particularly described as follows:

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina adjoining Morehead Street, South Fisher Street, Maple Avenue and the lands of First Presbyterian Church, and the City of Burlington and being more particularly described as follows:

BEGINNING at a new iron pin in the new northwestern right-of way line of S. Fisher Street and western right-of-way line of Morehead Street, said pin lying N 22° 54' 26" W, 16.83 feet from an existing concrete R/W monument, thence along the eastern line of First Presbyterian Church of Burlington, N.C. and western right-of-way line of Morehead Street, the following courses and distances: N 05° 52' 38" E, 129.61 feet to an existing iron pin, thence S 88° 06' 42" E, 4.97 feet to an existing iron pin, thence N 05° 46' 55" E, 281.82 feet to a new iron pin, said iron pin being the point of beginning of a new southern right-of-way line of W. Maple Avenue and thence along the new southern right-of-way line of W. Maple Avenue along a curve to the right having a radius of 268.73 feet, chord bearing S 13° 36' 21" E, and chord distance of 75.58 feet to a calculated point and continuing along a curve to the right having a radius of 268.73 feet, chord bearing S 28° 55' 15" E and chord distance of 67.65 feet to an existing R/W

monument, said monument being the NE corner of W. Maple Avenue and Morehead Street, thence along the eastern right-of-way line of Morehead Street and western line of the City of Burlington the following courses and distances: N 88° 25' 44" W, 13.33 feet to an existing R/W monument, thence S 05° 52' 46" W, 127.06 feet to an existing R/W monument, thence S 00° 07' 17" W, 41.57 feet to an existing R/W monument, thence S 86° 51' 49" E, 21.63 feet to an existing R/W monument, said monument being the southern right-of-way line of Morehead Street and western right-of-way line of S. Fisher Street, thence with the new western right-of-way line of S. Fisher Street S 40° 36' 01" W, 141.84 feet to the POINT OF BEGINNING and containing 16,427 square feet.

That the City Clerk shall duly advertise that a public hearing will be held on this matter in the Council Chamber, Municipal Building, Burlington, North Carolina, on Tuesday, July 17, 2007, at 7:30 p.m.

- (E) To adopt an ordinance repealing City Code Sections 32-62 through 32-69 (Meetings on Streets, Sidewalks).

07-19

ORDINANCE REPEALING SECTIONS 32-62 through 32-69 OF CHAPTER 32 (STREETS AND SIDEWALKS) OF THE CITY CODE OF ORDINANCES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1: That Sections 32-62 through 32-69 of Chapter 32 of the City Code of Ordinances are hereby repealed.

Sec. 2: That all ordinances or parts of ordinances inconsistent herewith are repealed.

Sec. 3: That this ordinance shall become effective upon passage.

- (F) To temporarily close Ireland Street from Mebane Street to Hawkins Street on June 9, 2007, from 9:00 a.m. to 4:00 p.m.

- (G) To temporarily close Trollinger Street from Kivett Street to Plaid Street on June 16, 2007, from 9:00 a.m. to 6:00 p.m.

(H) To temporarily close Florence Street from North Park Avenue to Cadiz Street on the following dates:

- July 20, 2007, from 6:00 p.m. to 9:00 p.m.
- July 21, 2007, from 6:00 p.m. to 11:00 p.m.
- July 22, 2007, from 2:00 p.m. to 8:00 p.m.

(I) To release a listing of taxes and assessments totaling \$58,876.31 for fiscal year-ending June 30, 2007.

Receipt Number	Name	Year	Description	Reason	Amount
1200	Eddie Wilson	2005	VL Assess	Clerical Error	2.99
1213	William McAdams	2005	VL Assess	Clerical Error	.34
1220	Benjamin Eichholz	2005	VL Assess	Clerical Error	1.22
1234	Elizabeth Capillary	2005	VL Assess	Clerical Error	21.53
1268	Tenaflly Assoc., LLC	2005	VL Assess	Clerical Error	4.25
1270	Lee Moore Oil Co.	2005	VL Assess	Clerical Error	2.11
				Total	\$ 32.44
1287	Royce Gibbs	2006	VL Assess	Clerical Error	3.74
1304	Manf. & Traders	2006	VL Assess	Clerical Error	5.03
1314	Jackson Lee Properties	2006	VL Assess	Clerical Error	1.83
1330	Ramona White	2006	VL Assess	Clerical Error	2.74
1342	Dr. Brassington	2006	VL Assess	Clerical Error	75.00
1385	Elizabeth Capillary	2006	VL Assess	Clerical Error	2.34
				Total	\$ 90.68
				Assessment Total	\$123.12
21268	Trans. Leasing	2003	Personal	Outside	10.21
				Total	\$ 10.21
2937	Carbontron	2004	Personal	Adjusted Value	3.66
8852	Bobby Holt	2004	Personal	Billing Error	4.30
10370	Carl Kilcrease	2004	Personal	Clerical Error	43.41
11599	Danny Lucas	2004	R Estate	Clerical Error	16.10
12929	Hattie Miles	2004	R Estate	Clerical Error	7.28
18974	Donza Timmons	2004	Personal	Billing Error	36.09
19088	Trans. Leasing	2004	Personal	Outside	10.19
21426	Wanda Allison	2004	Personal	Clerical Error	88.70
				Total	\$ 209.73

402	Wanda Allison	2005	Personal	Clerical Error	71.96
4696	D.R. Horton	2005	R Estate	Clerical Error	.55
5099	Frances Dixon	2005	R Estate	Clerical Error	12.11
7481	Debra Graves	2005	Personal	Billing Error	71.96
8642	Jose Hernandez	2005	Personal	Clerical Error	71.96
9076	Bobby Holt	2005	Personal	Billing Error	4.30
10617	Jerry Key	2005	Personal	Clerical Error	3.66
10647	Carl Kilcrease	2005	Personal	Clerical Error	39.07
11274	David Lawson	2005	R Estate	Clerical Error	4.21
12260	Steven Marley	2005	Personal	Billing Error	18.60
13785	Ricardo Moreno	2005	Personal	Clerical Error	35.21
14401	Michael Norris	2005	R Estate	Clerical Error	23.49
14602	Tony Oliver	2005	R Estate	Clerical Error	4.18
15309	Jerry Phifer	2005	R Estate	Clerical Error	5.62
17929	Charles Smith, Jr.	2005	Personal	Clerical Error	26.71
19143	Samuel Taylor	2005	Personal	Billing Error	71.96
19267	Kara Terrell	2005	Personal	Clerical Error	80.99
19574	Donza Timmons	2005	Personal	Billing Error	35.21
19686	Trans. Leasing	2005	Personal	Outside	9.16
19875	Marion Turner	2005	R Estate	Clerical Error	4.00
20896	Terry Wheeler	2005	Personal	Clerical Error	6.42
22283	Integrated Leasing	2005	Personal	Clerical Error	5.96
22362	S & S Partnership	2005	Personal	Clerical Error	.96
Total \$608.25					

437	Wanda Allison	2006	Personal	Clerical Error	72.94
583	Gale Anderson	2006	Personal	Clerical Error	61.68
1046	Bank of America	2006	Personal	Clerical Error	54.49
1047	Bank of America	2006	Personal	Clerical Error	54.49
2763	William Burton	2006	Personal	Clerical Error	40.12
3029	Carbonton	2006	Personal	Clerical Error	4.13
3633	CIT Communications	2006	Personal	Clerical Error	28.93
6279	John Fisher	2006	Personal	Billing Error	10.35
6767	Kenneth Fritsch	2006	Personal	Clerical Error	75.17
6928	Tracey Gant	2006	Personal	Billing Error	70.61
7380	Maria Gomez	2006	Personal	Clerical Error	31.25
7385	Lilia Gonzales	2006	Personal	Clerical Error	8.75
7528	Debra Graves	2006	Personal	Billing Error	72.94
7646	Jeffrey Greer	2006	R Estate	Clerical Error	.30
8431	Florence Harvey	2006	Personal	Clerical Error	7.77
8722	Jose Hernandez	2006	Personal	Clerical Error	72.94
8727	Jose Hernandez	2006	Personal	Billing Error	11.73
8731	Luis Hernandez	2006	Personal	Clerical Error	49.65

9157	Bobby Holt	2006	Personal	Billing Error	4.85
9507	Brenda Hughes	2006	Personal	Billing Error	69.96
10716	Key Equipment	2006	Personal	Clerical Error	5.26
10721	Jerry Key	2006	Personal	Clerical Error	3.72
10754	Carl Kilcrease	2006	Personal	Clerical Error	39.60
11278	Angel Lara	2006	Personal	Clerical Error	6.91
11280	Emilia Lara	2006	Personal	Clerical Error	30.33
11862	Hector Lopez	2006	Personal	Clerical Error	31.03
12110	Anthony Mabry	2006	Personal	Clerical Error	17.70
12470	Steven Marley	2006	Personal	Clerical Error	18.84
13324	Zenobia Mebane	2006	Personal	Home Exempt	63.62
13739	Gandarilla Mondragon	2006	Personal	Clerical Error	63.62
14165	Pamela Moses	2006	Personal	Clerical Error	88.42
14225	Diana Munoz	2006	Personal	Clerical Error	33.41
15412	Margarita Perez	2006	Personal	Clerical Error	70.61
15912	Tim Pope	2006	Personal	Clerical Error	82.73
16407	Susan Ray	2006	Personal	Clerical Error	70.61
16559	Apolinar Reyes	2006	Personal	Clerical error	72.94
16808	Henry Roberson	2006	Personal	Clerical Error	6.20
16870	Michael Robertson	2006	Personal	Clerical Error	34.08
17019	Jose Rojas	2006	Personal	Clerical Error	72.94
17029	Candelaria Romero	2006	Personal	Clerical Error	16.62
17185	Guadelope Ruiz	2006	Personal	Clerical Error	7.34
18807	Roger Stanfield	2006	R Estate	Clerical Error	96.92
18830	Crystal Staples	2006	Personal	Billing Error	88.42
19476	Samuel Taylor	2006	Personal	Billing Error	72.94
19610	Kara Terrell	2006	Personal	Clerical Error	82.09
19895	Jerry Tickle	2006	Personal	Outside	3.75
19924	Donza Timmons	2006	Personal	Billing Error	35.70
20038	Trans. Leasing	2006	Personal	Outside	9.28
20743	Janet Wagoner	2006	R Estate	Outside	53.28
21201	Wells Fargo	2006	Personal	Clerical Error	3.36
21278	Terry Wheeler	2006	Personal	Clerical Error	6.51
21582	Gail Williams	2006	R Estate	Clerical Error	9.16
21882	WKS Corporation	2006	R Estate	Outside	53.28
21884	WKS Corporation	2006	R Estate	Outside	53.28
22404	Piedmont Natural Gas	2006	Corp.Tax	Billing Error	77.16
22453	Biller's Jewelers	2006	Personal	Clerical Error	85.70
22728	Nancy Zayas	2006	Personal	Clerical Error	61.40
22764	Clyde Kimrey	2006	R Estate	Clerical Error	23.65

Total \$ 2,455.46

Total Taxes \$ 3,283.65

Total Taxes & Assessments \$ 3,406.77

TAX AND ASSESSMENT RELEASES

Receipt Number Amount	Name	Year	Description	Reason
6003	David Mapp	1973	VL Assess	Clerical Error 1,068.47 Total \$ 1,068.47
6479	Medra Gilliam	1976	W Assess	Outside 1,696.92 Total \$ 1,696.92
277	Siler City Mills	1988	VL Assess	Clerical Error 1,912.34 Total \$ 1,912.34
438	Cofton Phillips	1992	VL Assess	Clerical Error 255.40 Total \$ 255.40
9138	Lyman Moran	1997	S Assess	Clerical Error 473.66 Total \$ 473.66
95	Ernest Jackson	2001	D Assess	Outside 5,624.91 Total \$ 5,624.91
1251	Charles Stephens	2005	VL Assess	Clerical Error 142.37 Total \$ 142.37
9259	Alice Hobbs	2006	S Assess	Clerical Error 1,000.00 Total \$ 1,000.00
				Assessment Total \$12,174.07
16869	Jerry Sharpe	2004	R Estate	Mapping Error 261.39 Total \$ 261.39
7725	Nola Walker	2005	R Estate	Mapping Error 103.44
16269	Research Prop.	2005	R Estate	Clerical Error 172.13
16270	Research Prop.	2005	R Estate	Clerical Error 177.08
17405	Jerry Sharpe	2005	R Estate	Mapping Error 250.73
18319	Oliver Spain	2005	R Estate	Clerical Error 250.76
22212	All American	2005	Personal	Clerical Error 212.90
22331	Orthodontics Ctr	2005	Personal	Clerical Error 149.15 Total \$1,316.19

715	Applied Finan.	2006	Personal	Clerical Error	11,292.98
1120	Emory Barker	2006	R Estate	Home Exempt	160.75
1641	Ricky Blackwell	2006	Personal	Clerical Error	407.93
1706	Ila Blevins	2006	R Estate	Clerical Error	703.08
2298	Edgar Brown	2006	R Estate	Home Exempt	125.00
3369	Cellco Partner.	2006	Personal	Clerical Error	1,868.62
3775	Classic Hosiery	2006	Personal	Clerical Error	153.78
4682	Bernard Curry	2006	R Estate	Clerical Error	773.01
4943	Donna Day	2006	R Estate	Home Exempt	268.30
5834	Dorothy Epperly	2006	R Estate	Home Exempt	313.33
6489	Robert Forrester	2006	R Estate	Clerical Error	239.14
7070	GECF Loan	2006	Personal	Clerical Error	190.84
7179	Gilbert & Assoc.	2006	Personal	Outside	129.60
7857	E.Gwinnett	2006	R Estate	Mapping Error	539.39
7618	Greater Love	2006	R Estate	Exempt	208.53
7619	Greater Love	2006	R Estate	Exempt	142.73
7620	Greater Love	2006	R Estate	Exempt	165.44
7621	Greater Love	2006	R Estate	Exempt	515.79
8377	Phoebe Harrison	2006	R Estate	Clerical Error	216.92
8973	Dorothy Hinshaw	2006	R Estate	Home Exempt	365.39
9395	Penny Howard	2006	R Estate	Clerical Error	360.23
9911	Mrs. Forest James	2006	R Estate	Clerical Error	859.66
10867	Jimmy King	2006	R Estate	Home Exempt	125.00
11421	Jerry Lea Trustee	2006	R Estate	Clerical Error	532.03
11509	Jung Lee	2006	R Estate	Home Exempt	327.02
12559	Joel Martin	2006	R Estate	Clerical Error	362.81
13196	Thomas McLean	2006	R Estate	Clerical Error	407.39
13712	Winfield Mitchell	2006	R Estate	Home Exempt	222.91
13761	H.Montgomery	2006	R Estate	Home Exempt	212.28
13762	J. Montgomery	2006	R Estate	Clerical error	340.97
14705	David Oakley	2006	R Estate	Clerical Error	1,318.11
15650	Tina Pickard	2006	R Estate	Billing Error	556.56
15671	Piedmont Dev.	2006	R Estate	Adjusted Value	2,619.76
15692	Piedmont Metals	2006	Personal	Outside	127.84
15712	Pierce Homes	2006	R Estate	Billing Error	1,158.64
15716	Pierce Homes	2006	R Estate	Clerical Error	612.91
15757	James Pinnix	2006	R Estate	Home Exempt	187.96
16196	Pure Seal, LLC	2006	Personal	Outside	535.88
16873	Nellie Robertson	2006	R Estate	Home Exempt	212.80
17420	Harry Schoeneck	2006	R Estate	Clerical Error	424.17
18356	Julie Smith	2006	R Estate	Home Exempt	125.00
18601	Southern Electric	2006	R Estate	Clerical Error	136.04
18725	Sprintcom, Inc.	2006	Personal	Clerical Error	308.39
18727	Sprintcom, Inc.	2006	Personal	Clerical Error	301.79
18889	Worth Steele	2006	R Estate	Home Exempt	298.31

19438	Nancy Tate	2006	R Estate	Home Exempt	231.01
19853	Walter Thompson	2006	R Estate	Home Exempt	288.25
20066	Trinity Mot.	2006	Personal	Outside	753.89
20126	Jean Troxler	2006	R Estate	Clerical Error	389.90
20168	Tuesday Morning	2006	Personal	Clerical Error	199.61
20633	WMW Develop.	2006	R Estate	Clerical Error	362.50
21317	Evelyn White	2006	R Estate	Clerical Error	1,149.63
21880	WKS Corp.	2006	R Estate	Outside	2,698.63
21883	WKS Corp.	2006	R Estate	Outside	2,057.88
22025	Word of Life	2006	R Estate	Exempt	1,770.24
22441	Avvid Comm.	2006	Personal	Outside	146.53
22681	Solar Lounge	2006	Personal	Clerical Error	214.81
					Total \$ 41,717.89

Total Taxes \$ 43,295.47

Assessment & Tax Total \$ 55,469.54

- (J) To accept maintenance of the water line in NC 49 South as shown on the Water Line Dedication Agreement Exhibit A to be effective upon satisfaction of contingencies. The water line will serve the Hawthorne Subdivision and abutting properties.
- (K) To approve a final plat of the Jesse N. and Ruth Whitlow Subdivision. The property is located on the southeast corner of Sharpe Road and Burch Bridge Road as shown on plans by John D. Somers dated April 3, 2006, and containing two lots.
- (L) To approve a final plat of Phase 1, Section 2, of the Northside Subdivision. The property is located on the north side of Sharpe Road approximately 680 feet east of Burch Bridge Road as shown on plans by Borum, Wade and Associates dated May 1, 2007, and containing 51 lots.
- (M) To approve a final plat of the Brown Property Subdivision and street right-of-way dedication. The property is located on the east side of Logan Street Extension east of Lakeside Avenue as shown on plans by Mark E. Myers dated April 30, 2007, and containing two lots.

(N) Budget Amendment 2007-35 - CDBG - HOME Program - Loan Repayments

BA2007-35

Increase Revenues:

555-39398-0000 Appropriated Fund Balance	\$223,716
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Increase Expenditures:

555-50006-6910 Owner-Occupied Housing/Rehab City 2006	\$163,688
555-50006-6907 Homeowner Housing/Rehab County 2006	60,028

(O) Budget Amendment 2007-36 - Mid-Carolina Sponsorship Donation - Special Events

BA2007-36

Increase Revenues:

010-33404-6210 Donations-Recreation Program	\$17,000
010-35148-6310 Daily Green Fees	3,000

Increase Expenditures:

010-62624-4500 Contracted Services	\$ 5,000
010-62624-6100 Carousel Festival	12,000
010-62631-3300 Departmental Supplies	3,000

Councilmember Jones asked to be recused from consent agenda Items C and J due to his law partner representing the individuals involved.

Upon motion by Councilmember Huffman, seconded by Councilmember Wall, it was resolved unanimously to allow Mr. Jones to be recused from Items C and J.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve the foregoing consent agenda items with the exception of C and J.

Upon motion by Councilmember Starling, seconded by Councilmember Huffman, it was resolved unanimously to approve consent agenda Items C and J.

PUBLIC HEARING:

Mayor Ross announced that a public hearing had been scheduled to consider adoption of the proposed 2007-2008 Fiscal Year Budget for the City of Burlington and to adopt the Grant Project Ordinance for the 2007-2008 Community Development Program.

City Manager Owen submitted, in accordance with N.C. General Statutes, the recommended 2007-08 budget for the City of Burlington. He stated the budget was balanced and reflected the numbers discussed at the May 19, 2007, Budget Work Session. He stated the tax rate would remain at \$.625 per \$100 valuation and that there was no increase in water rates and a 4.5 percent increase in sewer rates. He said there would be an additional 5.0 percent increase in the municipal sewer rate for outside cities served, bringing that rate to 110% of the inside sewer rate.

He reported that the General Fund, which includes Police, Finance, Fire, Legal, Public Works, Human Resources/Health Services, Recreation and Parks, Information Technology, Engineering/Traffic Control, General Administration and Planning and Inspections, totaled \$46,372,740. The Water and Sewer (Enterprise Fund), which includes Water and Sewer Repair and Construction, Water and Sewer Plants and Facilities, Water Source Protection, Laboratories and Composting, totaled \$21,998,907. The Stormwater Enterprise Fund mandates all Phase II cities to initiate and fund a formal stormwater plan, which totals \$ 443,439. Mr. Owen pointed out that there was no increase on the \$2.00 per month stormwater fee for water and sewer customers.

Mr. Owen asked the City Council to consider the formal adoption of the 2007-08 Community Development Block Grant Project Ordinance totaling \$ 447,676 and the Downtown Special Tax District (tax rate only) at a rate of \$.16/\$100 assessed valuation.

Mr. Owen thanked the department heads and management staff for their efforts in a year-long process.

Mr. Richard Parker asked if painting the water tanks was included in the budget, and Utilities Director Steve Shoaf replied that the a maintenance company would be taking care of the upkeep of the water tanks.

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to close the public hearing.

Upon motion by Councilmember Huffman, seconded by Councilmember Jones, a motion was made to adopt the 2007-2008 Fiscal Year Budget and to adopt the Grant Project Ordinance for the 2007-2008 Community Development Program and to set the tax rate for the Downtown Special Tax District.

Councilmember Huffman stated that Burlington is a conservative town and that fact is reflected in the budget. He commended City staff and its loyalty to the citizens of Burlington. He pointed out the fact that Burlington is transitioning from a manufacturing to a service economy. He also commented that Burlington has become a regional water supplier and that it is fortunate that Burlington has an ample capacity of water.

Councilmember Wall agreed with Councilmember Huffman's comments.

Councilmember Starling stated the budget as presented was reasonable and that staff had done a good job. He commended Mr. Owen and staff for their work.

Mayor Ross pointed out that Burlington's bond rating improved this past year. He thanked staff for the work it does and for keeping the Council informed. He pointed out the importance of being aware of State legislation.

07-20

BUDGET APPROPRIATION ORDINANCE ESTABLISHING A TAX RATE OF \$.625 PER \$100 VALUATION ON A TOTAL ESTIMATED VALUATION OF \$3,589,491,706, WITH AN ESTIMATED 95% COLLECTION OF THE LEVY. NINE AND NINETY-EIGHT ONE HUNDREDTHS CENTS (\$.0998) PER \$100 OF THE \$.625 PER \$100 VALUATION REPRESENTS A DEBT SERVICE RESERVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Sec. 1. That the following amounts are hereby appropriated for the operation of City Government and its activities for the fiscal year beginning July 1, 2007, and ending on June 30, 2008.

SUMMARY OF GENERAL FUND BUDGET

EXPENDITURES:

Public Administration	\$554,574
Customer Service/Collections	341,933
Finance/Risk Management Department	774,999
Information Technology Department	781,327
Legal Department	698,471
Human Resources	592,562
Planning/GIS Division	829,770
Inspections	1,197,526
Engineering/Traffic/Street Lighting	2,105,388
General Administration/Building	4,776,972
Police Department	10,862,582
Fire Department	5,873,049
Public Works	7,980,382
Recreation Department	5,598,387
Debt Service	3,404,818
TOTAL GENERAL FUND EXPENDITURES	<hr/> \$ 46,372,740 <hr/>

REVENUES:

Ad valorem Taxes - Current Year	\$ 21,475,607
- Prior Year	380,000
State Reimbursements	-
State Shared Taxes	4,510,000
Local Option Sales Tax	8,960,000
Cable TV Franchise Tax	380,000
Investment Earnings	1,050,000
Privilege Licenses	525,000
ABC Net Revenues	160,000
Water & Sewer Admin. Cost	1,600,000
Permits	943,586
Reimbursement Costs - GIS Cities	84,161
Animal Shelter Fees	387,500
Sanitation Fees	972,000

Recreational User Fees	1,904,300
Cemetery Fees	77,000
Miscellaneous Revenues	1,326,600
Appropriated Fund Balance	1,636,986
Restricted Fund Balance Appropriated	-

TOTAL GENERAL FUND REVENUES

\$ 46,372,740

SUMMARY OF WATER AND SEWER FUND BUDGET

EXPENDITURES:

Water & Sewer-Bldgs.-Admin. Serv.	\$ 4,803,589
Customer Services - Water & Sewer	1,005,936
Supv. Water & Sewer Lines	600,163
Water Line Maint. & Repair	857,198
Sewer Line Maint. & Repair	608,922
Water Line Service & Construction	674,660
Sewer Line Service & Construction	546,037
Supv. - Utilities & Engineering	514,523
Water Sources Protection	373,100
Ed Thomas Water Plant	854,991
Mackintosh Water Plant	1,787,767
S. Burlington Waste Treatment Plant	2,085,051
E. Burlington Waste Treatment Plant	2,284,402
Laboratories - Water & Sewer	478,153
Compost Facility	207,665
Plants Maintenance - Water & Sewer	650,772
Lakes and Marinas	415,322
Debt Service	3,250,656

TOTAL WATER & SEWER FUND EXPENDITURES

\$ 21,998,907

REVENUES:

Water Rents	\$	7,184,907
Sewer Rents		11,402,000
Water Sales - Greensboro		1,560,000
Interest Earnings		808,000
Water Taps		225,000
Sewer Taps		80,000
Industrial Surcharges		40,000
Unit Development Fees		160,000
Compost Sales & Delivery		13,500
Water & Sewer Capital Reserve		-
Miscellaneous		525,500
Fund Balance		-

TOTAL WATER & SEWER FUND REVENUES

\$ 21,998,907

SUMMARY OF STORMWATER FUND BUDGET

EXPENDITURES:

Stormwater	\$	443,439
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TOTAL STORMWATER EXPENDITURES

\$ 443,439

REVENUES:

Stormwater Fees	\$	443,439
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TOTAL STORMWATER REVENUES

\$ 443,439

SUMMARY OF FUNDS

REVENUES

EXPENDITURES

General Fund	\$	46,372,740	\$	46,372,740
Water & Sewer Fund		21,998,907		21,998,907
Stormwater Fund		443,439		443,439

TOTAL OPERATING FUNDS

\$ 68,815,086

\$ 68,815,086

<u>CAPITAL PROJECTS & OTHER SPECIAL FUNDS</u>	<u>REVENUES</u>	<u>EXPENDITURES</u>
Municipal Service District (BDC)	\$ 149,000	149,000
Guilford-Mackintosh	198,422	198,422
Rehab.Loan/Rental Rehab.	37,468	37,468
Drainage Improvements	-	-
Community Development Rehab. Loans	166,850	166,850
Rico	-	-
Controlled Substance	-	-
MPO - Transportation	337,493	337,493
General Capital Reserve	1,500,000	1,500,000
Water Capital Reserve	868,271	868,271
Sewer Capital Reserve	868,271	868,271
TOTAL PROJECTS & OTHER SPECIAL FUNDS	\$ 4,125,775	\$ 4,125,775

Sec. 2. There is hereby levied the following rates of tax on each One Hundred (\$100.00 Dollars valuation of taxable property as listed for taxes as of January 1, 2007 for property tax as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Fund (general expenses incidental to proper government of the City):

0.5252 - Operations
0.0998 - Debt Service
0.6250

Such rates of tax are based on an estimated assessed valuation of property, for purposes of taxation, of three billion five hundred eighty-nine million four hundred ninety-one thousand seven hundred six dollars at an estimated rate of collection of ninety-five percent (95%).

Sec. 3. That anticipated revenue from North Carolina Gasoline Tax rebate "Powell Bill Funds", in the sum of one million four hundred sixty thousand dollars (\$1,460,000) will be appropriated in the Street, Traffic Control, Street Signs - Markings, Street Cleaning, Engineering, and Administration Accounts of the Budget.

Sec. 4. An additional rate of sixteen cents (\$.16) per \$100 assessed valuation is levied on the properties

falling within the Special Taxing District for downtown development. (Downtown Corporation)

Sec. 5. Copies of this ordinance shall be furnished to the Budget Officer and the Finance Director to be kept on file by them for their direction in the disbursement of City funds.

Sec. 6. That this ordinance shall take effect upon passage.

After full discussion, the same was voted upon and declared duly adopted, no amendments having been offered and consent having been given to place the same upon its immediate passage. Councilmembers voting in favor of the motion were Ross, Jones, Huffman, Starling and Wall.

NEW BUSINESS:

Mayor Ross announced that the City Council would consider adopting a resolution of intent to authorize the sale of certain City-owned surplus real property at a private sale at a negotiated price to Habitat for Humanity of Alamance County. The property is identified by Alamance County Tax Map 62-270, Lots 24, 33A, 33, 34 and 36, and was acquired by the City of Burlington with Community Development Block Grant funds as part of the Rauhut Street Revitalization Project.

Assistant Planning Director Susan Taylor stated that this is land that was acquired in the early 1980's as part of the Rauhut Street Revitalization Project and that over the years the City has attempted to market it unsuccessfully. She stated that it had recently been rezoned to residential. She said that Habitat for Humanity owns most of the back side of the block and that this will enable them to build five or six houses and put some land back into our tax base.

Councilmember Jones asked if lots obtained from the City previously had been developed.

Ms. Robin Wintringham, Habitat for Humanity, replied that lots on Quintas Avenue and Ross Street had been developed. She expressed appreciation to the City Council for its help.

Councilmember Huffman moved the adoption of the following resolution:

NOTICE OF INTENT BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, NORTH CAROLINA, PURSUANT TO NORTH CAROLINA GENERAL STATUTE 160A-279, TO ADOPT A RESOLUTION AUTHORIZING THE SALE OF CERTAIN SURPLUS REAL PROPERTY AT A PRIVATE SALE AT A NEGOTIATED PRICE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, NORTH CAROLINA

WHEREAS, the City of Burlington, North Carolina, acquired certain real property as shown on Alamance County Tax Map 62-270, Lots 24, 33A, 33, 34 and 26, with Community Development Block Grant Funds as part of the Rauhut Street Revitalization Project; and,

WHEREAS, the above-described property was not obtained through the eminent domain process by the City of Burlington; and,

WHEREAS, the City Council of the City of Burlington has determined that said property is surplus real property and no longer needed; and,

WHEREAS, the City Council of the City of Burlington desires to convey at a private sale at a negotiated price the above-described real property to Habitat for Humanity of Alamance County, NC, a non-profit corporation organized under the laws of the State of North Carolina; and,

WHEREAS, Habitat for Humanity of Alamance County will construct single-family residential homes on the above-described property for qualified low-income homebuyers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

Section 1: That the appropriate official of the City of Burlington is hereby authorized by the City Council of the City of Burlington to sell at a private sale at a negotiated price that real property as shown on Alamance County Tax Map 62-270, Lots 24, 33A, 33, 34 and 26.

Section 2: That the above-described real property shall be conveyed to Habitat for Humanity of Alamance County, NC, to be developed for public use at a private sale at a negotiated price to develop single-family residential homes for low-income qualified homebuyers.

Section 3: That the City of Burlington, upon confirmation of this sale, shall convey by Quitclaim Deed all of its rights, title and interest in and to said property, and said property shall be conveyed subject to restrictive covenants and all existing rights-of-way and utility and/or other easements, outstanding liens, judgments and any and all other existing encumbrances.

Section 4: That this sale shall be conducted in accordance with North Carolina General Statute 160A-279.

Section 5: That this Notice of Intent is adopted this the 5th day of June 2007.

The foregoing resolution was seconded by Councilmember Wall, and it was passed unanimously.

PUBLIC COMMENT PERIOD:

There were no public comments.

ADJOURN:

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk